

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ABB INC.,

Plaintiff,

v.

ROBOTIC VISIONTECH, LLC,  
BRAINTECH, INC., and BRAINTECH  
CANADA, INC.

Defendants.

Case No. 2:2010cv12626

Hon. John Corbett O'Meara

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**PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL**  
**PURSUANT TO FED. R. CIV. P. 41(a)**

NOW COMES the Plaintiff, ABB INC. ("ABB"), by and through its attorneys, SOMMERS SCHWARTZ, P.C., and hereby provides Notice to this Court of its Voluntary Dismissal of the above-captioned litigation, without prejudice, pursuant to Fed. R. Civ. P. 41(a). In support of this Notice of Voluntary Dismissal, ABB states as follows:

1. Fed. R. Civ. P. 41(a) provides that plaintiffs may voluntarily dismiss actions, without prejudice, by way of filing a "notice of dismissal" with the court "before the opposing party serves either an answer or a motion for summary judgment."

2. ABB filed its seven-count Complaint against the Defendants on July 1, 2010. (D. 1).

3. ABB served the Summons and Complaint in this matter on Defendant, Robotic VISIONTech, LLC (“RVT”), on August 9, 2010. (D. 9).

4. To this date, RVT has not filed an Answer or a motion for summary judgment in this litigation.

5. To this date, ABB has not served the summons and complaint on either of the other Defendants to this litigation. Accordingly, those Defendants (Braintech, Inc., and Braintech Canada, Inc.) have not filed an Answer or a motion for summary judgment in this litigation.

6. For the foregoing reasons, ABB’s Notice of Dismissal is properly submitted under Fed. R. Civ. P. 41(a).

7. Attached as Exhibit A to this Notice of Dismissal, is an Order Dismissing this action Without Prejudice.

Respectfully submitted,

SOMMERS SCHWARTZ, P.C.

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Dated: September 16, 2010

**PROOF OF SERVICE**

I certify that on 9-16-10, I electronically filed the forgoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Geoffrey J. Greeves; [Geoffrey.greeves@pillsburylaw.com](mailto:Geoffrey.greeves@pillsburylaw.com)

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